

STATE OF CALIFORNIA  
DEPARTMENT OF CONSUMER AFFAIRS  
BOARD OF BARBERING AND COSMETOLOGY

**TITLE 16. BOARD OF BARBERING AND COSMETOLOGY**

NOTICE IS HEREBY GIVEN that the Board for Barbering and Cosmetology (hereinafter referred to as "the Board") is proposing to take the action described in the Informative Digest. Any person interested may present statements or arguments orally or in writing relevant to the action proposed at a hearing to be held at 400 R Street, Suite 1030, Sacramento, California, at 9:AM, on February 28, 2005. Written comments, including those sent by mail, facsimile, or e-mail to the addresses listed under Contact Person in this Notice, must be received by the Board at its office not later than 5:00 p.m. on February 28, 2005 or must be received by the Board at the hearing. The Board, upon its own motion or at the instance of any interested party, may thereafter adopt the proposals substantially as described below or may modify such proposals if such modifications are sufficiently related to the original text. With the exception of technical or grammatical changes, the full text of any modified proposal will be available for 15 days prior to its adoption from the person designated in this Notice as contact person and will be mailed to those persons who submit written or oral testimony related to this proposal or who have requested notification of any changes to the proposal.

Authority and Reference: Pursuant to the authority vested by Sections 7338, 7340, 7341, and 7342 of the Business and Professions Code, and to implement, interpret or make specific Sections 7312 and 7340 of said Code, the Board is considering changes to Division 9 of Title 16 of the California Code of Regulations as follows:

**INFORMATIVE DIGEST/POLICY STATEMENT OVERVIEW**

Business and Professions Code Section 139 requires that the Board of Barbering and Cosmetology (Board) follow the policy of the Department of Consumer Affairs (DCA) for examination validation. The objective of this policy is to establish guidelines for the development and administration of job-related examinations. The DCA has established the Office of Examination Resources (OER) as the designated office to oversee these functions including providing services for examination development, occupational analysis, standard setting, and program review and evaluation.

This proposed language to amend Section 932 of Title 16 of California Code of Regulations regarding passing grades in examinations, was developed to address requirements in Senate Bill 362 (Figueroa, Chapter 788, Statutes of 2003). It requires the Board to conduct various studies and reviews and to report the findings and recommendations to the DCA and the Joint Legislative Sunset Review Committee no later than September 1, 2005. In particular, the statute requires that the Board, in conjunction with the Department's OER, assess the validity of aggregate scoring for

Board applicants.

**Fiscal Impact on Public Agencies Including Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:**

The proposed regulatory action has approximately minimal cost impact in terms of increased expenses and/or savings to state agencies and/or federal funding to the state. The cost impact can be absorbed within existing resources.

**Nondiscretionary Costs/Savings to Local Agencies:**

None

**Local Mandate:**

None

**Cost to Any Local Agency or School District for Which Government Code Section 17561 Requires Reimbursement:**

None

**Business Impact:**

The board has made an initial determination that the proposed regulatory action would have no significant statewide adverse economic impact directly affecting business, including the ability of California businesses to compete with businesses in other states.

The following studies/relevant data were relied upon in making the above determination:

- (A) The December 15, 2003 Board Meeting Minutes, and
- (B) Letter from the Department of Consumer Affairs' Office of Examination Resources, dated December 12, 2003.

**Impact on Jobs/New Businesses:**

The Board for Barbering and Cosmetology has determined that this regulatory proposal will not have a significant impact on the creation of jobs or new businesses or the elimination of jobs or existing businesses or the expansion of businesses in the State of California.

**Cost Impact on Representative Private Person or Business:**

The Board for Barbering and Cosmetology is not aware of any cost impacts that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

**Effect on Housing Costs:**

None

**EFFECT ON SMALL BUSINESS:**

The Board for Barbering and Cosmetology has determined that the proposed regulations would affect small businesses.

**CONSIDERATION OF ALTERNATIVES:**

Per Government Code section 11346.5(a)(13):

“The Board must determine that no reasonable alternative it considered or that has otherwise been identified and brought to its attention would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.”

This is because at this stage, the agency is really soliciting alternatives from the public during its public comment process, and it is a “present” action. It is at the end of the process that the agency will make the definitive “the agency has determined that no alternative...” statement in the Final Statement of Reasons.

**INITIAL STATEMENT OF REASONS AND INFORMATION**

The Board has prepared an initial statement of the reasons for the proposed action and has available all the information upon which the proposal is based.

**TEXT OF PROPOSAL**

Copies of the exact language of the proposed regulations and of the initial statement of reasons, and all of the information upon which the proposal is based, may be obtained at the hearing or prior to the hearing upon request from the Board for Barbering and Cosmetology at 400 R Street, Suite 5100, Sacramento, California 95833.

**AVAILABILITY AND LOCATION OF THE FINAL STATEMENT OF REASONS AND RULEMAKING FILE**

All the information upon which the proposed regulations are based is contained in the rulemaking file, which is available for public inspection, by contacting the person named below.

You may obtain a copy of the final statement of reasons once it has been prepared, by making a written request to the contact person named below.

## **CONTACT PERSON**

Inquiries or comments concerning the proposed rulemaking action may be addressed to:

Name: Kristy Underwood  
Address: 400 R Street, Suite 5100,  
Sacramento, California 95814  
Telephone No.: (916) 324-8947  
Fax No.: (916) 445-8893  
E-Mail Address: kristy\_underwood@dca.ca.gov

The backup contact person is:

Name: Terri Ciau  
Address: 400 R Street, Suite 5100,  
Sacramento, California 95814  
Telephone No.: (916) 323-1101  
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**Website Access:** Materials regarding this proposal can be found at [www.barbercosmo.ca.gov](http://www.barbercosmo.ca.gov).